



General Assembly

Substitute Bill No. 5041

February Session, 2010

* _____HB05041KIDENV031010_____ *

AN ACT CONCERNING CROSS-REPORTING OF CHILD ABUSE AND ANIMAL CRUELTY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2010*) (a) Any animal control
2 officer appointed under section 22-328 of the general statutes or
3 municipal animal control officer appointed under section 22-331 of the
4 general statutes, who has reasonable cause to suspect or believe that an
5 animal observed in the course of employment is in harm, neglected or
6 cruelly treated in violation of section 22-366, 22-415, 53-247, 53-248, 53-
7 249, 53-249a, 53-250, 53-251 or 53-252 of the general statutes and files a
8 petition with the Superior Court under section 22-329a of the general
9 statutes, shall make a written report to the Commissioner of
10 Agriculture in accordance with subsection (b) of this section.

11 (b) The report shall be made by the officer as soon as practicable, but
12 not later than forty-eight hours after such employee has filed the
13 petition. Each report required under this section shall contain: (1) The
14 names and addresses of the animal and his owner or other person
15 responsible for care of the animal; (2) a description of the animal; (3)
16 the nature and extent of the harm, neglect or cruelty to the animal; (4)
17 the approximate date and time of the harm, neglect or cruelty; (5) the
18 circumstances in which the harm, neglect or cruelty came to be known
19 to the employee; and (6) the name of the person or persons suspected

20 to be responsible for causing such harm, neglect or cruelty.

21 (c) Beginning November 1, 2010, and monthly thereafter, the
22 Commissioner of Agriculture shall send a report to the Commissioner
23 of Children and Families of the information provided under subsection
24 (b) of this section for the preceding month.

25 Sec. 2. (NEW) (*Effective October 1, 2010*) Not more than one week
26 after receiving each report pursuant to subsection (a) of section 1 of
27 this act, the Commissioner of Children and Families shall determine if
28 any address where any animal was harmed, neglected or cruelly
29 treated is an address where there is an open investigation of a child for
30 whom there has been filed (1) a report of abuse or neglect under
31 section 17a-101a of the general statutes, or (2) a petition of neglect
32 under section 46b-129 of the general statutes, as amended by this act. If
33 there is an open investigation of a child at such address, the
34 commissioner or the commissioner's designee shall make a home visit
35 to observe the child or siblings at the address. The home visit shall
36 include an evaluation of animals in the household to determine if there
37 is reasonable cause to suspect or believe that any such animal was
38 harmed, neglected or cruelly treated.

39 Sec. 3. Section 17a-101g of the general statutes is repealed and the
40 following is substituted in lieu thereof (*Effective October 1, 2010*):

41 (a) Upon receiving a report of child abuse or neglect, as provided in
42 sections 17a-101a to 17a-101c, inclusive, or section 17a-103, in which
43 the alleged perpetrator is (1) a person responsible for such child's
44 health, welfare or care, (2) a person given access to such child by such
45 responsible person, or (3) a person entrusted with the care of a child,
46 the Commissioner of Children and Families, or the commissioner's
47 designee, shall cause the report to be classified and evaluated
48 immediately. If the report contains sufficient information to warrant an
49 investigation, the commissioner shall make the commissioner's best
50 efforts to commence an investigation of a report concerning an
51 imminent risk of physical harm to a child or other emergency within

52 two hours of receipt of the report and shall commence an investigation
53 of all other reports within seventy-two hours of receipt of the report.
54 The department shall complete any such investigation not later than
55 forty-five calendar days after the date of receipt of the report. If the
56 report is a report of child abuse or neglect in which the alleged
57 perpetrator is not a person specified in subdivision (1), (2) or (3) of this
58 subsection, the Commissioner of Children and Families shall refer the
59 report to the appropriate local law enforcement authority for the town
60 in which the child resides or in which the alleged abuse or neglect
61 occurred.

62 (b) (1) The investigation shall include a home visit at which the child
63 and any siblings are observed, if appropriate, a determination of the
64 nature, extent and cause or causes of the reported abuse or neglect, a
65 determination of the person or persons suspected to be responsible for
66 such abuse or neglect, the name, age and condition of other children
67 residing in the same household and an evaluation of the parents and
68 the home. The report of such investigation shall be in writing. The
69 investigation shall also include, but not be limited to, a review of
70 criminal conviction information concerning the person or persons
71 alleged to be responsible for such abuse or neglect and previous
72 allegations of abuse or neglect relating to the child or other children
73 residing in the household or relating to family violence. Each home
74 visit shall also include an evaluation of animals in the household to
75 determine if there is reasonable cause to suspect or believe that any
76 such animal was harmed, neglected or cruelly treated. On or before
77 October 1, 2011, and annually thereafter, the commissioner shall notify
78 the Commissioner of Agriculture of the number of determinations
79 under this subsection that there is reasonable cause to suspect or
80 believe that an animal was harmed, neglected or cruelly treated.

81 (2) After an investigation into a report of abuse or neglect has been
82 completed, the commissioner shall determine, based upon a standard
83 of reasonable cause, whether a child has been abused or neglected, as
84 defined in section 46b-120. If the commissioner determines that abuse

85 or neglect has occurred, the commissioner shall also determine
86 whether: [(1)] (A) There is an identifiable person responsible for such
87 abuse or neglect; and [(2)] (B) such identifiable person poses a risk to
88 the health, safety or well-being of children and should be
89 recommended by the commissioner for placement on the child abuse
90 and neglect registry established pursuant to section 17a-101k. If the
91 commissioner has made the determinations in [subdivisions (1)]
92 subparagraphs (A) and [(2)] (B) of this [subsection] subdivision, the
93 commissioner shall issue notice of a recommended finding to the
94 person suspected to be responsible for such abuse or neglect in
95 accordance with section 17a-101k.

96 (c) Except as provided in subsection (d) of this section, no entry of
97 the recommended finding shall be made on the child abuse or neglect
98 registry and no information concerning the finding shall be disclosed
99 by the commissioner pursuant to a check of the child abuse or neglect
100 registry or request for information by a public or private entity for
101 employment, licensure, or reimbursement for child care purposes
102 pursuant to programs administered by the Department of Social
103 Services or pursuant to any other general statute that requires a check
104 of the child abuse or neglect registry until the exhaustion or waiver of
105 all administrative appeals available to the person suspected to be
106 responsible for the abuse or neglect, as provided in section 17a-101k.

107 (d) If the child abuse or neglect resulted in or involves (1) the death
108 of a child; (2) the risk of serious physical injury or emotional harm of a
109 child; (3) the serious physical harm of a child; (4) the arrest of a person
110 due to abuse or neglect of a child; (5) a petition filed by the
111 commissioner pursuant to section 17a-112 or 46b-129, as amended by
112 this act; or (6) sexual abuse of a child, entry of the recommended
113 finding may be made on the child abuse or neglect registry and
114 information concerning the finding may be disclosed by the
115 commissioner pursuant to a check of the child abuse or neglect registry
116 or request for information by a public or private entity for
117 employment, licensure, or reimbursement for child care purposes

118 pursuant to programs administered by the Department of Social
119 Services or pursuant to any other general statute that requires a check
120 of the child abuse or neglect registry, prior to the exhaustion or waiver
121 of all administrative appeals available to the person suspected to be
122 responsible for the abuse or neglect as provided in section 17a-101k.

123 (e) If the Commissioner of Children and Families, or the
124 commissioner's designee, has probable cause to believe that the child
125 or any other child in the household is in imminent risk of physical
126 harm from the child's surroundings and that immediate removal from
127 such surroundings is necessary to ensure the child's safety, the
128 commissioner, or the commissioner's designee, shall authorize any
129 employee of the department or any law enforcement officer to remove
130 the child and any other child similarly situated from such
131 surroundings without the consent of the child's parent or guardian.
132 The commissioner shall record in writing the reasons for such removal
133 and include such record with the report of the investigation conducted
134 under subsection (b) of this section.

135 (f) The removal of a child pursuant to subsection (e) of this section
136 shall not exceed ninety-six hours. During the period of such removal,
137 the commissioner, or the commissioner's designee, shall provide the
138 child with all necessary care, including medical care, which may
139 include an examination by a physician or mental health professional
140 with or without the consent of the child's parents, guardian or other
141 person responsible for the child's care, provided reasonable attempts
142 have been made to obtain consent of the child's parents or guardian or
143 other person responsible for the care of such child. During the course
144 of a medical examination, a physician may perform diagnostic tests
145 and procedures necessary for the detection of child abuse or neglect. If
146 the child is not returned home within such ninety-six-hour period,
147 with or without protective services, the department shall proceed in
148 accordance with section 46b-129, as amended by this act.

149 Sec. 4. Section 46b-129 of the 2010 supplement to the general
150 statutes, as amended by section 4 of public act 09-194, is repealed and

151 the following is substituted in lieu thereof (*Effective October 1, 2010*):

152 (a) Any selectman, town manager, or town, city or borough welfare
153 department, any probation officer, or the Commissioner of Social
154 Services, the Commissioner of Children and Families or any child-
155 caring institution or agency approved by the Commissioner of
156 Children and Families, a child or such child's representative or
157 attorney or a foster parent of a child, having information that a child or
158 youth is neglected, uncared-for or dependent, may file with the
159 Superior Court that has venue over such matter a verified petition
160 plainly stating such facts as bring the child or youth within the
161 jurisdiction of the court as neglected, uncared-for or dependent, within
162 the meaning of section 46b-120, the name, date of birth, sex and
163 residence of the child or youth, the name and residence of such child's
164 parents or guardian, and praying for appropriate action by the court in
165 conformity with the provisions of this chapter. Upon the filing of such
166 a petition, except as otherwise provided in subsection (k) of section
167 17a-112, the court shall cause a summons to be issued requiring the
168 parent or parents or the guardian of the child or youth to appear in
169 court at the time and place named, which summons shall be served not
170 less than fourteen days before the date of the hearing in the manner
171 prescribed by section 46b-128, and the court shall further give notice to
172 the petitioner and to the Commissioner of Children and Families of the
173 time and place when the petition is to be heard not less than fourteen
174 days prior to the hearing in question.

175 (b) If it appears from the specific allegations of the petition and
176 other verified affirmations of fact accompanying the petition and
177 application, or subsequent thereto, that there is reasonable cause to
178 believe that (1) the child or youth is suffering from serious physical
179 illness or serious physical injury or is in immediate physical danger
180 from the child's or youth's surroundings, and (2) that as a result of said
181 conditions, the child's or youth's safety is endangered and immediate
182 removal from such surroundings is necessary to ensure the child's or
183 youth's safety, the court shall either (A) issue an order to the parents or

184 other person having responsibility for the care of the child or youth to
185 appear at such time as the court may designate to determine whether
186 the court should vest the child's or youth's temporary care and custody
187 in a person related to the child or youth by blood or marriage or in
188 some other person or suitable agency pending disposition of the
189 petition, or (B) issue an order ex parte vesting the child's or youth's
190 temporary care and custody in a person related to the child or youth
191 by blood or marriage or in some other person or suitable agency. A
192 preliminary hearing on any ex parte custody order or order to appear
193 issued by the court shall be held not later than ten days after the
194 issuance of such order. The service of such orders may be made by any
195 officer authorized by law to serve process, or by any probation officer
196 appointed in accordance with section 46b-123, investigator from the
197 Department of Administrative Services, state or local police officer or
198 indifferent person. Such orders shall include a conspicuous notice to
199 the respondent written in clear and simple language containing at least
200 the following information: (i) That the order contains allegations that
201 conditions in the home have endangered the safety and welfare of the
202 child or youth; (ii) that a hearing will be held on the date on the form;
203 (iii) that the hearing is the opportunity to present the parents' position
204 concerning the alleged facts; (iv) that an attorney will be appointed for
205 parents who cannot afford an attorney; (v) that such parents may
206 apply for a court-appointed attorney by going in person to the court
207 address on the form and are advised to go as soon as possible in order
208 for the attorney to prepare for the hearing; (vi) that such parents, or a
209 person having responsibility for the care and custody of the child or
210 youth, may request the Commissioner of Children and Families to
211 investigate placing the child or youth with a person related to the child
212 or youth by blood or marriage who might serve as a licensed foster
213 parent or temporary custodian for such child or youth. The
214 commissioner, where practicable, shall investigate such relative or
215 relatives prior to the preliminary hearing and provide a report to the
216 court at such hearing as to such relative's suitability; and (vii) if such
217 parents have any questions concerning the case or appointment of
218 counsel, any such parent is advised to go to the court or call the clerk's

219 office at the court as soon as possible. Upon application for appointed
220 counsel, the court shall promptly determine eligibility and, if the
221 respondent is eligible, promptly appoint counsel. The expense for any
222 temporary care and custody shall be paid by the town in which such
223 child or youth is at the time residing, and such town shall be
224 reimbursed for such expense by the town found liable for the child's or
225 youth's support, except that where a state agency has filed a petition
226 pursuant to the provisions of subsection (a) of this section, the agency
227 shall pay such expense. The agency shall give primary consideration to
228 placing the child or youth in the town where such child or youth
229 resides. The agency shall file in writing with the clerk of the court the
230 reasons for placing the child or youth in a particular placement outside
231 the town where the child or youth resides. Upon issuance of an ex
232 parte order, the court shall provide to the commissioner and the parent
233 or guardian specific steps necessary for each to take to address the ex
234 parte order for the parent or guardian to retain or regain custody of the
235 child or youth. Upon the issuance of such order, or not later than sixty
236 days after the issuance of such order, the court shall make a
237 determination whether the Department of Children and Families made
238 reasonable efforts to keep the child or youth with his or her parents or
239 guardian prior to the issuance of such order and, if such efforts were
240 not made, whether such reasonable efforts were not possible, taking
241 into consideration the child's or youth's best interests, including the
242 child's or youth's health and safety.

243 (c) The preliminary hearing on the order of temporary custody or
244 order to appear or the first hearing on a petition filed pursuant to
245 subsection (a) of this section shall be held in order for the court to: (1)
246 Advise the parent or guardian of the allegations contained in all
247 petitions and applications that are the subject of the hearing and the
248 parent's or guardian's right to counsel pursuant to subsection (b) of
249 section 46b-135; (2) assure that an attorney, and where appropriate, a
250 separate guardian ad litem has been appointed to represent the child
251 or youth in accordance with subsection (b) of section 46b-123e and
252 sections 46b-129a and 46b-136; (3) upon request, appoint an attorney to

253 represent the respondent when the respondent is unable to afford
254 representation, in accordance with subsection (b) of section 46b-123e;
255 (4) advise the parent or guardian of the right to a hearing on the
256 petitions and applications, to be held not later than ten days after the
257 date of the preliminary hearing if the hearing is pursuant to an order of
258 temporary custody or an order to show cause; (5) accept a plea
259 regarding the truth of such allegations; (6) make any interim orders,
260 including visitation, that the court determines are in the best interests
261 of the child or youth. The court, after a hearing pursuant to this
262 subsection, shall order specific steps the commissioner and the parent
263 or guardian shall take for the parent or guardian to regain or to retain
264 custody of the child or youth; (7) take steps to determine the identity of
265 the father of the child or youth, including ordering genetic testing, if
266 necessary, and order service of the petition and notice of the hearing
267 date, if any, to be made upon him; (8) if the person named as the father
268 appears, and admits that he is the father, provide him and the mother
269 with the notices that comply with section 17b-27 and provide them
270 with the opportunity to sign a paternity acknowledgment and
271 affirmation on forms that comply with section 17b-27. Such documents
272 shall be executed and filed in accordance with chapter 815y and a copy
273 delivered to the clerk of the superior court for juvenile matters; (9) in
274 the event that the person named as a father appears and denies that he
275 is the father of the child or youth, advise him that he may have no
276 further standing in any proceeding concerning the child, and either
277 order genetic testing to determine paternity or direct him to execute a
278 written denial of paternity on a form promulgated by the Office of the
279 Chief Court Administrator. Upon execution of such a form by the
280 putative father, the court may remove him from the case and afford
281 him no further standing in the case or in any subsequent proceeding
282 regarding the child or youth until such time as paternity is established
283 by formal acknowledgment or adjudication in a court of competent
284 jurisdiction; (10) identify any person or persons related to the child or
285 youth by blood or marriage residing in this state who might serve as
286 licensed foster parents or temporary custodians and order the
287 Commissioner of Children and Families to investigate and determine,

288 not later than thirty days after the preliminary hearing, the
289 appropriateness of placement of the child or youth with such relative
290 or relatives; and (11) in accordance with the provisions of the Interstate
291 Compact on the Placement of Children pursuant to section 17a-175,
292 identify any person or persons related to the child or youth by blood or
293 marriage residing out of state who might serve as licensed foster
294 parents or temporary custodians, and order the Commissioner of
295 Children and Families to investigate and determine, within a
296 reasonable time, the appropriateness of placement of the child or
297 youth with such relative or relatives.

298 (d) (1) (A) If not later than thirty days after the preliminary hearing,
299 or within a reasonable time when a relative resides out of state, the
300 Commissioner of Children and Families determines that there is not a
301 suitable person related to the child or youth by blood or marriage who
302 can be licensed as a foster parent or serve as a temporary custodian,
303 and the court has not granted temporary custody to a person related to
304 the child or youth by blood or marriage, any person related to the child
305 or youth by blood or marriage may file, not later than ninety days after
306 the date of the preliminary hearing, a motion to intervene for the
307 limited purpose of moving for temporary custody of such child or
308 youth. If a motion to intervene is timely filed, the court shall grant
309 such motion except for good cause shown.

310 (B) Any person related to a child or youth may file a motion to
311 intervene for purposes of seeking temporary custody of a child or
312 youth more than ninety days after the date of the preliminary hearing.
313 The granting of such motion shall be solely in the court's discretion,
314 except that such motion shall be granted absent good cause shown
315 whenever the child's or youth's most recent placement has disrupted
316 or is about to disrupt.

317 (C) A relative shall appear in person, with or without counsel, and
318 shall not be entitled to court appointed counsel or the assignment of
319 counsel by the Chief Child Protection Attorney except as provided in
320 section 46b-136.

321 (2) Upon the granting of intervenor status to such relative of the
322 child or youth, the court shall issue an order directing the
323 Commissioner of Children and Families to conduct an assessment of
324 such relative and to file a written report with the court not later than
325 forty days after such order, unless such relative resides out of state, in
326 which case the assessment shall be ordered and requested in
327 accordance with the provisions of the Interstate Compact on the
328 Placement of Children, pursuant to section 17a-175. The court may also
329 request such relative to release such relative's medical records,
330 including any psychiatric or psychological records and may order such
331 relative to submit to a physical or mental examination. The expenses
332 incurred for such physical or mental examination shall be paid as costs
333 of commitment are paid. Upon receipt of the assessment, the court
334 shall schedule a hearing on such relative's motion for temporary
335 custody not later than fifteen days after the receipt of the assessment. If
336 the Commissioner of Children and Families, the child's or youth's
337 attorney or guardian ad litem, or the parent or guardian objects to the
338 vesting of temporary custody in such relative, the agency or person
339 objecting at such hearing shall be required to prove by a fair
340 preponderance of the evidence that granting temporary custody of the
341 child or youth to such relative would not be in the best interests of
342 such child or youth.

343 (3) If the court grants such relative temporary custody during the
344 period of such temporary custody, such relative shall be subject to
345 orders of the court, including, but not limited to, providing for the care
346 and supervision of such child or youth and cooperating with the
347 Commissioner of Children and Families in the implementation of
348 treatment and permanency plans and services for such child or youth.
349 The court may, on motion of any party or the court's own motion, after
350 notice and a hearing, terminate such relative's intervenor status if such
351 relative's participation in the case is no longer warranted or necessary.

352 (4) Any person related to a child or youth may file a motion to
353 intervene for purposes of seeking permanent guardianship of a child

354 or youth more than ninety days after the date of the preliminary
355 hearing. The granting of such motion to intervene shall be solely in the
356 court's discretion, except that such motion shall be granted absent
357 good cause shown whenever the child's or youth's most recent
358 placement has disrupted or is about to disrupt. The court may, in the
359 court's discretion, order the Commissioner of Children and Families to
360 conduct an assessment of such relative granted intervenor status
361 pursuant to this subdivision.

362 (e) If any parent or guardian fails, after service of such order, to
363 appear at the preliminary hearing, the court may enter or sustain an
364 order of temporary custody.

365 (f) Upon request, or upon its own motion, the court shall schedule a
366 hearing on the order for temporary custody or the order to appear to
367 be held not later than ten days after the date of the preliminary
368 hearing. Such hearing shall be held on consecutive days except for
369 compelling circumstances or at the request of the parent or guardian.

370 (g) At a contested hearing on the order for temporary custody or
371 order to appear, credible hearsay evidence regarding statements of the
372 child or youth made to a mandated reporter or to a parent may be
373 offered by the parties and admitted by the court upon a finding that
374 the statement is reliable and trustworthy and that admission of such
375 statement is reasonably necessary. A signed statement executed by a
376 mandated reporter under oath may be admitted by the court without
377 the need for the mandated reporter to appear and testify unless called
378 by a respondent or the child, provided the statement: (1) Was provided
379 at the preliminary hearing and promptly upon request to any counsel
380 appearing after the preliminary hearing; (2) reasonably describes the
381 qualifications of the reporter and the nature of his contact with the
382 child; and (3) contains only the direct observations of the reporter, and
383 statements made to the reporter that would be admissible if the
384 reporter were to testify to them in court and any opinions reasonably
385 based thereupon. If a respondent or the child gives notice at the
386 preliminary hearing that he intends to cross-examine the reporter, the

387 person filing the petition shall make the reporter available for such
388 examination at the contested hearing.

389 (h) If any parent or guardian fails, after due notice of the hearing
390 scheduled pursuant to subsection (g) of this section and without good
391 cause, to appear at the scheduled date for a contested hearing on the
392 order of temporary custody or order to appear, the court may enter or
393 sustain an order of temporary custody.

394 (i) (1) When a petition is filed in said court for the commitment of a
395 child or youth, the Commissioner of Children and Families shall make
396 a thorough investigation of the case and shall cause to be made a
397 thorough physical and mental examination of the child or youth if
398 requested by the court. The court after hearing may also order a
399 thorough physical or mental examination, or both, of a parent or
400 guardian whose competency or ability to care for a child or youth
401 before the court is at issue. The expenses incurred in making such
402 physical and mental examinations shall be paid as costs of
403 commitment are paid.

404 (2) Each investigation under this subsection shall also include an
405 evaluation of animals in the household to determine if there is
406 reasonable cause to suspect or believe that any such animal was
407 harmed, neglected or cruelly treated. On or before October 1, 2011, and
408 annually thereafter, the commissioner shall notify the Commissioner of
409 Agriculture of the number of determinations under this subsection that
410 there is reasonable cause to suspect or believe that an animal was
411 harmed, neglected or cruelly treated.

412 (j) Upon finding and adjudging that any child or youth is uncared-
413 for, neglected or dependent, the court may commit such child or youth
414 to the Commissioner of Children and Families. Such commitment shall
415 remain in effect until further order of the court, except that such
416 commitment may be revoked or parental rights terminated at any time
417 by the court, or the court may vest such child's or youth's legal
418 guardianship in any private or public agency that is permitted by law

419 to care for neglected, uncared-for or dependent children or youths or
420 with any other person or persons found to be suitable and worthy of
421 such responsibility by the court, including, but not limited to, any
422 relative of such child or youth by blood or marriage. If the court
423 determines that the commitment should be revoked and the child's or
424 youth's legal guardianship should vest in someone other than the
425 respondent parent, parents or former guardian, or if parental rights are
426 terminated at any time, there shall be a rebuttable presumption that an
427 award of legal guardianship upon revocation to, or adoption upon
428 termination of parental rights by, any relative who is licensed as a
429 foster parent for such child or youth, or who is, pursuant to an order of
430 the court, the temporary custodian of the child or youth at the time of
431 the revocation or termination, shall be in the best interests of the child
432 or youth and that such relative is a suitable and worthy person to
433 assume legal guardianship upon revocation or to adopt such child or
434 youth upon termination of parental rights. The presumption may be
435 rebutted by a preponderance of the evidence that an award of legal
436 guardianship to, or an adoption by, such relative would not be in the
437 child's or youth's best interests and such relative is not a suitable and
438 worthy person. The court shall order specific steps that the parent
439 must take to facilitate the return of the child or youth to the custody of
440 such parent. The commissioner shall be the guardian of such child or
441 youth for the duration of the commitment, provided the child or youth
442 has not reached the age of eighteen years or, in the case of a child or
443 youth in full-time attendance in a secondary school, a technical school,
444 a college or a state-accredited job training program, provided such
445 child or youth has not reached the age of twenty-one years, by consent
446 of such youth, or until another guardian has been legally appointed,
447 and in like manner, upon such vesting of the care of such child or
448 youth, such other public or private agency or individual shall be the
449 guardian of such child or youth until such child or youth has reached
450 the age of eighteen years or, in the case of a child or youth in full-time
451 attendance in a secondary school, a technical school, a college or a
452 state-accredited job training program, until such child or youth has
453 reached the age of twenty-one years or until another guardian has

454 been legally appointed. The commissioner may place any child or
455 youth so committed to the commissioner in a suitable foster home or in
456 the home of a person related by blood or marriage to such child or
457 youth or in a licensed child-caring institution or in the care and
458 custody of any accredited, licensed or approved child-caring agency,
459 within or without the state, provided a child shall not be placed
460 outside the state except for good cause and unless the parents or
461 guardian of such child are notified in advance of such placement and
462 given an opportunity to be heard, or in a receiving home maintained
463 and operated by the Commissioner of Children and Families. In
464 placing such child or youth, the commissioner shall, if possible, select a
465 home, agency, institution or person of like religious faith to that of a
466 parent of such child or youth, if such faith is known or may be
467 ascertained by reasonable inquiry, provided such home conforms to
468 the standards of said commissioner and the commissioner shall, when
469 placing siblings, if possible, place such children together. As an
470 alternative to commitment, the court may place the child or youth in
471 the custody of the parent or guardian with protective supervision by
472 the Commissioner of Children and Families subject to conditions
473 established by the court. Upon the issuance of an order committing the
474 child or youth to the Commissioner of Children and Families, or not
475 later than sixty days after the issuance of such order, the court shall
476 determine whether the Department of Children and Families made
477 reasonable efforts to keep the child or youth with his or her parents or
478 guardian prior to the issuance of such order and, if such efforts were
479 not made, whether such reasonable efforts were not possible, taking
480 into consideration the child's or youth's best interests, including the
481 child's or youth's health and safety.

482 (k) (1) Nine months after placement of the child or youth in the care
483 and custody of the commissioner pursuant to a voluntary placement
484 agreement, or removal of a child or youth pursuant to section 17a-
485 101g, as amended by this act, or an order issued by a court of
486 competent jurisdiction, whichever is earlier, the commissioner shall file
487 a motion for review of a permanency plan. Nine months after a

488 permanency plan has been approved by the court pursuant to this
489 subsection, the commissioner shall file a motion for review of the
490 permanency plan. Any party seeking to oppose the commissioner's
491 permanency plan, including a relative of a child or youth by blood or
492 marriage who has intervened pursuant to subsection (d) of this section
493 and is licensed as a foster parent for such child or youth or is vested
494 with such child's or youth's temporary custody by order of the court,
495 shall file a motion in opposition not later than thirty days after the
496 filing of the commissioner's motion for review of the permanency plan,
497 which motion shall include the reason therefor. A permanency hearing
498 on any motion for review of the permanency plan shall be held not
499 later than ninety days after the filing of such motion. The court shall
500 hold evidentiary hearings in connection with any contested motion for
501 review of the permanency plan. The commissioner shall have the
502 burden of proving that the proposed permanency plan is in the best
503 interests of the child or youth. After the initial permanency hearing,
504 subsequent permanency hearings shall be held not less frequently than
505 every twelve months while the child or youth remains in the custody
506 of the Commissioner of Children and Families. The court shall provide
507 notice to the child or youth, the parent or guardian of such child or
508 youth, and any intervenor of the time and place of the court hearing on
509 any such motion not less than fourteen days prior to such hearing.

510 (2) At a permanency hearing held in accordance with the provisions
511 of subdivision (1) of this subsection, the court shall approve a
512 permanency plan that is in the best interests of the child or youth and
513 takes into consideration the child's or youth's need for permanency.
514 The child's or youth's health and safety shall be of paramount concern
515 in formulating such plan. Such permanency plan may include the goal
516 of (A) revocation of commitment and reunification of the child or
517 youth with the parent or guardian, with or without protective
518 supervision; (B) transfer of guardianship; (C) long-term foster care
519 with a relative licensed as a foster parent; (D) filing of termination of
520 parental rights and adoption; or (E) another planned permanent living
521 arrangement ordered by the court, provided the Commissioner of

522 Children and Families has documented a compelling reason why it
523 would not be in the best interest of the child or youth for the
524 permanency plan to include the goals in subparagraphs (A) to (D),
525 inclusive, of this subdivision. Such other planned permanent living
526 arrangement may include, but not be limited to, placement of a child
527 or youth in an independent living program or long term foster care
528 with an identified foster parent.

529 (3) At a permanency hearing held in accordance with the provisions
530 of subdivision (1) of this subsection, the court shall review the status of
531 the child, the progress being made to implement the permanency plan,
532 determine a timetable for attaining the permanency plan, determine
533 the services to be provided to the parent if the court approves a
534 permanency plan of reunification and the timetable for such services,
535 and determine whether the commissioner has made reasonable efforts
536 to achieve the permanency plan. The court may revoke commitment if
537 a cause for commitment no longer exists and it is in the best interests of
538 the child or youth.

539 (4) If the court approves the permanency plan of adoption: (A) The
540 Commissioner of Children and Families shall file a petition for
541 termination of parental rights not later than sixty days after such
542 approval if such petition has not previously been filed; (B) the
543 commissioner may conduct a thorough adoption assessment and
544 child-specific recruitment; and (C) the court may order that the child
545 be photo-listed within thirty days if the court determines that such
546 photo-listing is in the best interest of the child. As used in this
547 subdivision, "thorough adoption assessment" means conducting and
548 documenting face-to-face interviews with the child, foster care
549 providers and other significant parties and "child specific recruitment"
550 means recruiting an adoptive placement targeted to meet the
551 individual needs of the specific child, including, but not limited to, use
552 of the media, use of photo-listing services and any other in-state or
553 out-of-state resources that may be used to meet the specific needs of
554 the child, unless there are extenuating circumstances that indicate that

555 such efforts are not in the best interest of the child.

556 (l) The Commissioner of Children and Families shall pay directly to
557 the person or persons furnishing goods or services determined by said
558 commissioner to be necessary for the care and maintenance of such
559 child or youth the reasonable expense thereof, payment to be made at
560 intervals determined by said commissioner; and the Comptroller shall
561 draw his or her order on the Treasurer, from time to time, for such part
562 of the appropriation for care of committed children or youths as may
563 be needed in order to enable the commissioner to make such
564 payments. The commissioner shall include in the department's annual
565 budget a sum estimated to be sufficient to carry out the provisions of
566 this section. Notwithstanding that any such child or youth has income
567 or estate, the commissioner may pay the cost of care and maintenance
568 of such child or youth. The commissioner may bill to and collect from
569 the person in charge of the estate of any child or youth aided under
570 this chapter, or the payee of such child's or youth's income, the total
571 amount expended for care of such child or youth or such portion
572 thereof as any such estate or payee is able to reimburse, provided the
573 commissioner shall not collect from such estate or payee any
574 reimbursement for the cost of care or other expenditures made on
575 behalf of such child or youth from (1) the proceeds of any cause of
576 action received by such child or youth; (2) any lottery proceeds due to
577 such child or youth; (3) any inheritance due to such child or youth; (4)
578 any payment due to such child or youth from a trust other than a trust
579 created pursuant to 42 USC 1396p, as amended from time to time; or
580 (5) the decedent estate of such child or youth.

581 (m) The commissioner, a parent or the child's attorney may file a
582 motion to revoke a commitment, and, upon finding that cause for
583 commitment no longer exists, and that such revocation is in the best
584 interests of such child or youth, the court may revoke the commitment
585 of such child or youth. No such motion shall be filed more often than
586 once every six months.

587 (n) Upon service on the parent, guardian or other person having

588 control of the child or youth of any order issued by the court pursuant
589 to the provisions of subsections (b) and (j) of this section, the child or
590 youth concerned shall be surrendered to the person serving the order
591 who shall forthwith deliver the child or youth to the person, agency,
592 department or institution awarded custody in the order. Upon refusal
593 of the parent, guardian or other person having control of the child or
594 youth to surrender the child or youth as provided in the order, the
595 court may cause a warrant to be issued charging the parent, guardian
596 or other person having control of the child or youth with contempt of
597 court. If the person arrested is found in contempt of court, the court
598 may order such person confined until the person complies with the
599 order, but for not more than six months, or may fine such person not
600 more than five hundred dollars, or both.

601 (o) A foster parent, prospective adoptive parent or relative caregiver
602 shall receive notice and have the right to be heard for the purposes of
603 this section in Superior Court in any proceeding concerning a foster
604 child living with such foster parent, prospective adoptive parent or
605 relative caregiver. A foster parent, prospective adoptive parent or
606 relative caregiver who has cared for a child or youth shall have the
607 right to be heard and comment on the best interests of such child or
608 youth in any proceeding under this section which is brought not more
609 than one year after the last day the foster parent, prospective adoptive
610 parent or relative caregiver provided such care.

611 (p) Upon motion of any sibling of any child committed to the
612 Department of Children and Families pursuant to this section, such
613 sibling shall have the right to be heard concerning visitation with, and
614 placement of, any such child. In awarding any visitation or modifying
615 any placement, the court shall be guided by the best interests of all
616 siblings affected by such determination.

617 (q) The provisions of section 17a-152, regarding placement of a child
618 from another state, and section 17a-175, regarding the Interstate
619 Compact on the Placement of Children, shall apply to placements
620 pursuant to this section.

621 (r) In any proceeding under this section, the Department of Children
622 and Families shall provide notice to every attorney of record for each
623 party involved in the proceeding when the department seeks to
624 transfer a child or youth in its care, custody or control to an out-of-
625 state placement.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2010</i>	New section
Sec. 2	<i>October 1, 2010</i>	New section
Sec. 3	<i>October 1, 2010</i>	17a-101g
Sec. 4	<i>October 1, 2010</i>	46b-129

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KID*Joint Favorable Subst. C/R*

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